

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-316-C - ORDER NO. 2005-61
FEBRUARY 7, 2005

IN RE: Petition of BellSouth Telecommunications,) ORDER GRANTING
Inc. to Establish Generic Docket to Consider) VERIZON SOUTH,
Amendments to Interconnection Agreements) INC.'S PETITION TO
Resulting from Changes of Law.) INTERVENE OUT OF
) TIME

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Petition to Intervene Out of Time (Petition) in the above-captioned proceeding from Verizon South, Inc. (Verizon). Verizon's Petition was filed pursuant to S.C. Code Ann. Regs. 103-836A(3).

The present proceeding before the Commission was established upon the filing of a Petition by BellSouth Telecommunications, Inc. (BellSouth) for the Commission to convene a docketed generic proceeding and hold an evidentiary hearing to determine what changes recent decisions from the Federal Communications Commission (FCC) and the United States Court of Appeals for the District of Columbia Circuit (DC Circuit) require in existing approved interconnection agreements between BellSouth and competitive local exchange carriers (CLECs) in South Carolina.

The Commission's Docketing Department prepared a Notice of Filing and Hearing regarding BellSouth's Petition and published such Notice in newspapers of general circulation in South Carolina. The purpose of the Notice of Filing and Hearing was to inform interested parties of the Petition of BellSouth and of the manner and time

in which to file the appropriate pleadings for participation in the proceeding. Additionally, the Notice provided the date and time for which a hearing on this matter had been scheduled. In the present case, pleadings for participation in this docket were to be filed on or before December 17, 2004. In response to the Notice, several parties intervened in the proceeding.

On December 22, 2004, which was after the return date established by the Notice, Verizon filed a Petition to Intervene Out of Time by which Verizon seeks full rights to participate as a party of record on this matter. Verizon states that its Petition for intervention out of time is necessitated by a recent personnel change and an inadvertent mistake on Verizon's part. Verizon adds that filing of the Petition will not be detrimental to the progress or schedule of this docket.

Because Verizon has entered into interconnection agreements in South Carolina, Verizon states its belief that any decision made by the Commission in this docket will likely have a direct impact on Verizon; therefore, Verizon has a direct and substantial interest in the present proceeding and seeks permission to intervene out of time.

In furtherance of Verizon's grounds for intervention, Verizon states that it wishes to assist the Commission in the development of a full and fair record, which will assist the Commission competently to resolve the issues contained in this proceeding. Moreover, Verizon asserts that its participation in this docket is in the public interest, is consistent with policies of the Commission for public involvement in the matters before it, and is necessary for the development of a full and complete record to address the

concerns and views of Verizon. Verizon adds that its position in this proceeding will be more fully detailed at the hearing and/or after completion of any discovery.

Upon consideration of this matter, the Commission finds and concludes that the Petition to Intervene Out of Time of Verizon should be granted. The Commission discerns no prejudice to any party by granting Verizon's Petition.

IT IS THEREFORE ORDERED THAT:

1. Verizon South, Inc.'s Petition to Intervene Out of Time should be granted as standing has been demonstrated for it to be a formal party of record. Further, the Commission discerns no prejudice to any party by granting Verizon South, Inc.'s Petition to Intervene Out of Time.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/
Randy Mitchell, Chairman

ATTEST:

/s/
G. O'Neal Hamilton, Vice Chairman

(SEAL)